IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 9099 of 2004

Between:
R.V. Rama Raju S/o Venkata Raju, R/o B-31, Madhura Nagar, Colony, Vengalarao Nagar, Hyderabad-38

..... PETITIONER

AND

1 Govt of Andhra Pradesh, rep by its Principal Secretary, Municipal Administration, Secretariat, Hyderabad
2 Municipal Corporation of Hyderabad rep. by its Commissioner, Tankbund, Hyderabad
3 Asst. City Planner, Circle No.V, MCH, Khairatabad, Hyderabad
4 The Chief City Planner, Municipal Corporation of Hyderabad Hyderabad
5 Boddu Nirmala, D/o Sri B.P. Ananda Rao, R/o Plot No. 18, Yousufguda, Hyderabad rep. by her GPA Holder Sri P. Veera Raghavaiah, aged 39 years, R/o Flat No.12, 4th floor, Vishnu Plaza, D. NO. 7-1-72/1, Ameerpet, Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the inaction on the part of the respondents 1 to 4 in not acting upon the representations to stop the works taken up by respondent 5 at Plot No. B-28, Madhuranagar, Vengalarao Nagar, Hyderabad over H.No.8-3-191/147/18 as unconstitutional and consequently direct respondents 1 to 4 to see that the construction is strictly adhered to the Municipal permission dated 10-11-2003 and if necessary demolish the said structures which are in deviation of the municipal permission forthwith.

For the Petitioner: MR.K.S.MURTHY, Advocate

For the Respondent No.1: G.P. for Municipal Administration and Urban Development

For the Respondent Nos.2 to 4: MR.RAMA RAO GANTA, S.C.

The Court at the admission stage made the following :

ORDER:

The present writ petition is filed questioning the action of respondent Nos.1 to 4 in not acting upon the representations of the petitioner to stop the works taken up by respondent No.5 at plot No.B-28, Madhuranagar, Vengalaraonagar, Hyderabad.

The petitioner alleges that respondent No.5 is making constructions in the plot in question adjoining the compound wall of the petitioner's house contrary to the sanctioned plan and he made a representation dated 13-5-2004 to respondent Nos.1, 3 and 4 to intervene and stop the irregular construction being made by respondent No.5 in the said plot, but no action has been taken so far, and respondent No.5 is going ahead with the construction. Questioning the impugned action of the official respondents, the writ petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for official respondents.

Learned Standing Counsel for official respondents submitted that the Chief City Planner is the concerned authority to supervise and initiate action on the complaints made with regard to deviations and violation of the building rules.

It is needless to mention that if a complaint or a representation is made alleging violation of the building permission or the rules, the authorities concerned are under an obligation to inspect the said

premises and take necessary action to stop such illegal construction, if any, being proceeded with.

In the circumstances, the fourth respondent-Chief City Planner is directed to examine the matter and if necessary make a personal inspection after issuing notices to the petitioner and the unofficial fifth respondent and if any deviations are noticed, take appropriate action in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

Subject to the above observations, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR

svv

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Secretary, Municipal Administration, Govt of Andhra Pradesh Secretariat, Hyderabad
2. The Commissioner, Municipal Corporation of Hyderabad, Tankbund, Hyderabad
3. Asst. City Planner, Circle No.V, MCH, Khairatabad, Hyderabad
4. The Chief City Planner, Municipal Corporation of Hyderabad, Hyderabad.
5. Two CD copies
6. One spare copy
7. The G.P. for Municipal Administration and Urban Development, High Court of A.P., Hyderabad (OUT)